

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RIVKA (“REBECCA”) SPIVAK,	)	
	)	No. 2:20-cv-01480-MJP
Plaintiff,	)	
v.	)	
	)	DEFENDANT BAYERN’S
ALPHABET, INC., <i>et al.</i> ,	)	(1) RESPONSE TO PLAINTIFF’S
	)	PRAECIPE TO ISSUE SUMMONS AND
Defendants.	)	(2) WAIVER OF SERVICE
_____	)	

1 For the avoidance of doubt, Defendant Shawn Jason Bayern (“Defendant”) explicitly  
2 waives service of the complaint (Dkt. #3) and summons in this action and avers that he intended  
3 his answer (Dkt. #12) to do so as well. Defendant’s answer has already been filed and served,  
4 and he has therefore appeared in this action under LCR 83.2(a) and pleaded on the merits.  
5 Accordingly, there is no need to serve him physically with the complaint and no need for the  
6 Court to issue a summons against him. *See Burdett v. Harrah’s Kan. Casino Corp.*, 311 F. Supp.  
7 2d 1166, 1177 (D. Kan. 2004) (“By entering an appearance and pleading to the merits,  
8 [defendant] waived service of process . . . .”) (citing sources).

1 Despite Defendant's prior appearance and merits pleading in this case, the plaintiff,  
 2 Rivka Spivak, requested that a summons be issued against him on October 13, 2020 (Dkt. #14 at  
 3 4). A restraining order is in force that prohibits Spivak from contacting Defendant (Dkt. #12,  
 4 Exhibit A at 42–46), and Spivak has previously issued many threats of physical violence against  
 5 Defendant (*e.g.*, *id.*; Dkt. #12, Exhibit D at 2–3). Defendant is concerned that Spivak will use  
 6 the opportunity to serve him with a summons as a way to harass him physically. For example,  
 7 on September 29, 2020, a few days before filing this action, Spivak sent an email to several of  
 8 Defendant's associates saying "I love to imagine Shawn being served while he's teaching a  
 9 class" (Attachment A). Spivak has sent considerably more graphic threats in the recent past (*see*  
 10 *generally* Dkt. #12, Exhibits A and D), and there is an outstanding felony warrant for her arrest  
 11 in Florida arising from her stalking of Defendant (Attachment B).

12 Even a plaintiff acting in good faith who faces a restraining order may have difficulties  
 13 following the spirit of Fed. R. Civ. P. 4. Defendant sought to avoid those procedural  
 14 complications and access-to-justice questions by waiving service and appearing promptly in the  
 15 case. Moreover, because of COVID-19, Defendant has rigorously self-isolated since March  
 16 2020 and seeks to avoid all physical contact. This submission is intended to eliminate any doubt  
 17 that Defendant has waived service and to eliminate the need for the Court to issue a summons  
 18 against him.

Respectfully submitted on October 14, 2020,

s/Shawn Jason Bayern (pro se)

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# ATTACHMENT A

(email from Plaintiff, Rivka Spivak, on 9/29/2020)

**Subject:** Process

**From:** Rebecca Spivak <rebeccaspivak@outlook.com>

**Date:** 9/29/2020, 8:53 AM

**To:** "diana.sherman@gmail.com" <diana.sherman@gmail.com>, Ayan Kayal <ayan.kayal@gmail.com>, David Russcol <drusscol@zalkindlaw.com>, Max Cho <maxrcho@gmail.com>

**CC:** "ckstern+plusmail@gmail.com" <ckstern+plusmail@gmail.com>, "nathan.willard@gmail.com" <nathan.willard@gmail.com>, Jen Bourey <jennifer.bourey@gmail.com>, "jacob.brookover@gmail.com" <jacob.brookover@gmail.com>

If you're in the to:line: I am going to be filing a lawsuit against you in federal court sometime in the next few weeks.  
If you're in the cc:line: I am probably not going to list you as a defendant, but I am still trying to decide. There is probably at least a 10% chance you will be listed as a defendant at the outset, and some higher chance that you will be added later. I have to review the evidence I have.

I've got 80+ pages in a complaint that will probably come close to 100 pages before it's done.  
I understand none of us imagined we'd end up here. At some point I considered you friends.  
But now I'm suing you.

Assuming you don't respond to me, I will have you served with summons at the addresses that I have based on background reports.

If you would prefer that I send the legal stuff to your lawyers, please send me their info.  
There's no trick here. I'm not trying to cause anyone additional trauma. Honestly.  
That's why I'm emailing you. You don't want to be served in front of your kids, etc.  
Send me your lawyer's info so I can send this stuff to them.

I love to imagine Shawn being served while he's teaching a class.

For the rest of you – especially if you're on the to: line - send me your lawyer's info.

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RIVKA ("REBECCA") SPIVAK,

Plaintiff,

vs.

ALPHABET INC, FACEBOOK INC, BRIAN LEE JOHNSRUD, SHAWN JASON BAYERN, RAYMOND LESLIE BLESSEY, AYAN RAY KAYAL, DAVID RUSSCOL, DIANA SHERMAN, MAX RAYMOND CHO;

DEFENDANTS

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**From:** Rebecca Spivak <rebeccaspivak@outlook.com>

**Date:** Tuesday, September 29, 2020 at 5:30 AM

**To:** []

A couple of other thoughts to share with you (and that, thanks to you, I've been able to focus on sharpening!)

**Point 1:**

As to the insane thing: For further context (which I will set out in the document) that I think you may not realize ... the whole "delusional" thing is quite formally legal in a way that isn't rectified by my having a lawyer. Someone who lacks the ability to understand reality basically cannot be a witness. If it can be demonstrated that I had an undiagnosed delusional disorder in the time period when Google's lawyer did all that obstruction, then it doesn't matter if the government subpoenas me and I have a lawyer. Google can just bring a motion to disqualify me on the grounds that I'm not qualified to testify. Basically, imagine someone trying to get someone to testify about events that happened when they were 2 months old. "Your honor – the witness was 2 months old at the time and unable to understand what was happening and cannot possibly have reliable memories about who entered the house." It's a very formal thing – the disqualification of a witness. It's not about preventing me from bringing charges. It's about making it so that even if the govt brings charges against Google (or, specifically, Google's lawyer, Brian Johnsrud) I will be legally prohibited from testifying on the basis of a public record that I was delusional at the time.

**Point 2**

I **\*think\*** that my former plusmail friends are going to come clean.

I have no reason to believe this beyond thinking that they won't want to up their criminal liability. I know for sure that this happened. It happened. For the most part I think they thought they were helping me. I was going to get \$100 million if they pulled this off. Really and truly. They were excited. They thought they were helping me get \$100 million that they think I otherwise would not have gotten. I think many of them thought they were helping me - not sabotaging me - and may have even thought that I was in on it. Google's lawyer was manipulating them too. The judge had already indicated that I was going to win \$90 million, and I'd obviously prefer to win \$90 million than to get \$100 million as a delusional psychotic. But Plusmail may not have had all that context. But I think that they are going to cut their losses ... or at least limit their liability ... and cooperate. I don't think that if and when this goes to trial they are going to stick with the story that I was crazy. It's not worth it to them. I think they will come clean about the fact that they thought they were helping me and that they, too, were manipulated by Google. Imagine your own logic in such a situation. Would you go deep into obstruction of justice and perjury knowing that there were so many people involved and that any one of those people could come clean and destroy you? Or would you get out as soon as you could ... admit that you may have crossed some lines with good intentions ... and let the govt focus on the actual bad guys?

So ... I think ... and I hope ... that plusmail will realize their best chance is to not lie about what they got pulled into.

# ATTACHMENT B

(result of search of Florida *capias* database on October 10, 2020)



# The Florida Crime Information Center

**Public Access System (PAS)** Provided By The Florida Department of Law Enforcement



## WANTED PERSON DETAILS

Do you have information about a missing or wanted person or believe any of the information below to be inaccurate?

[Send Tip](#)

If you have information about a missing or wanted person, do not take action on your own! Please complete the Missing or Wanted Person Tip Form by clicking on the Send a Tip button or you may contact the reporting agency at (850) 606-5800 .

*[If you wish to report a tip without disclosing your name, you may do so.]*

Name: SPIVAK, RIVKA B

Nicknames:

Aliases:

Offense: Assault

Reporting Agency: LEON CO SO

Agency Case #: 2020CF704A

Date of Warrant: 03/03/2020

Warrant #: 2020CF704

Date of Birth: [REDACTED] 1976

Race: WHITE

Sex: FEMALE

Height: 5' 09"

Weight: 150

Hair Color: RED OR AUBURN

Eye Color: BLUE

Scars, Marks, Tattoos:

Occupation:

Last Known Address City and State:

[Help](#)

[Back To Results](#)

The database contains Florida warrant information as reported to the Florida Department of Law Enforcement by law enforcement agencies throughout the state and authorized for release to the public. FDLE and the reporting agencies strongly recommend that no citizen take any individual action based on this information. This information is not to be used as a confirmation that any warrant is active, or as probable cause for an arrest. Information contained herein should not be relied upon for any type of legal action. FDLE cannot represent that this information is current, active, or complete. You should verify that a warrant is active with your local law enforcement agency or with the reporting agency. *[Wanted persons may use false*